IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOHN WILLIAM HARDT, #1264939	§	
VS.	§	CIVIL ACTION NO. 6:15cv789
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner John William Hardt, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as time-barred. Petitioner has filed objections.

Petitioner was sentenced after pleas of guilty on October 11, 2004. He was sentenced to ten years of imprisonment for engaging in organized crime and thirteen years of imprisonment for indecency with a child, with the sentences running concurrently. He did not file a notice of appeal, and the convictions became final. Petitioner is complaining about the stacking order. He did not file the petition until August 5, 2015. Magistrate Judge Mitchell correctly concluded that the petition is time-barred by the one year statute of limitations contained in 28 U.S.C. § 2244(d)(1).

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #12) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 9th day of October, 2015.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE